

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

JAMES G. ALLEE,

Defendant.

8:00CR83

MEMORANDUM AND ORDER

This matter is before the Court on a letter filed by the defendant. Filing No. 381. The Court has reviewed the same and finds it should be filed as a motion for compassionate release. In Section 603 of the First Step Act, Congress amended [18 U.S.C. § 3582\(c\)\(1\)\(A\)](#) to permit defendants to move a sentencing court for compassionate release “after the defendant has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant’s behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant’s facility, whichever is earlier.” Administrative exhaustion under the Act is a jurisdictional prerequisite to this Court in deciding if compassionate relief should be granted. In the present case, the defendant has not indicated that he has exhausted his administrative remedies with the prison system. Before the Court can move forward with this case, the defendant must show that he has exhausted his administrative remedies, and he must file this showing with the Clerk of Court.

The Court will allow Defendant 60 days from the date of this order to provide the Court with proof of exhaustion. The Court will appoint the Federal Public Defender’s Office to oversee this case. Following proof of exhaustion, the Court will order the United

States Probation Office to prepare an investigative report, request and review medical and disciplinary records from the Bureau of Prisons, provide the Court with any additional relevant records not included in the filing, and conduct a review of the suggested home detention placement once provided by the defendant. The Court will likewise order the government to file its response.

THEREFORE, IT IS ORDERED THAT:

1. The defendant shall have 60 days from the date of this order to provide the Court with proof of exhaustion. Failure to do so will result in dismissal of the motion for compassionate release.
2. The Federal Public Defender's office, Rich McWilliams, is appointed to represent the defendant and file any appropriate documents or briefs.
3. The United States Attorney's office, Susan Lehr, shall have 14 days from the date the United States Probation office files its report to file an appropriate brief.
4. Within 60 days after proof of exhaustion, the United States Probation Office, Brandon Maxon, is ordered to review the defendant's motion, Bureau of Prison records, and file an investigative report. Once the defendant provides a suggested home detention placement, Probation shall have 14 days thereafter to submit a final investigative report, and the Probation Office shall do a home assessment prior to filing said final report.

Dated this 12th day of February, 2025.

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge